

JUDGMENT SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr. Appeal No.283 of 2024

Appellant: Azhar Hassan @ Kabaro through Mr. Habib ur Rehman
Jiskani Advocate.

Respondent: The State through Ms. Amna Ansari, APG.

12.12.2024.

JUDGMENT

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Muhammad Iqbal Kalhoro, J. Appellant was arrested by police of P.S Iqbal Market Karachi from Raees Amrohi Chowk, Sector 11 ½ Orangi Town, Karachi on 25.02.2021 at 0045 hours alongwith an unlicensed 30 bore pistol with two live bullets. Accordingly, he was booked in FIR bearing Crime No.156/2021 u/s 24 of Sindh Arms Act, 2013.

2. Appellant was tried against the same allegations and has been convicted U/s 23-1(a), Sindh Arms Act, 2013 to suffer R.I. for 05 years with fine of Rs.20,000/-, in default to suffer R.I. for 02 months more. By means of this appeal, the appellant has challenged his conviction and sentence as stated above.

3. Learned defence counsel at the very outset submits that the appellant is the first offender and has remained in jail for a sufficient time, therefore, the period already undergone by him in jail may be treated as his sentence and he may be released. He further submits that there are certain discrepancies in the prosecution case which are sufficient for reduction of sentence.

4. Learned Addl. Prosecutor General has not opposed this proposal and has conceded that the appellant is not a previous convict.

5. I have heard learned counsel for the parties and perused the material available on record. In the trial, the prosecution has examined three witnesses, who have supported the prosecution case that appellant was arrested on the spot and from him an unlicensed pistol loaded with live rounds was recovered. However, it is noted that he has remained in jail for considerable period. Further, no record has been produced to show that the appellant is previous convict. His counsel has stated

that he is regretful of what went wrong in the past and has improved himself. The jail roll of appellant dated 07.12.2024 reflects that he has served a sentence of 02 years, 04 months and 11 days including remission. The punishment u/s 23 of Sindh Arms Act, 2013 is upto 14 years and fine. In such circumstances, I see no impediment legal or otherwise in acceding to the request of learned defence counsel for reduction of the sentence of the appellant.

6. In view of above, conviction of the appellant u/s 23 (i) A, of the Sindh Arms Act, 2013 is maintained, but his sentence is reduced to the period already undergone by him. Fine of Rs.20,000/- is maintained and in case of default, the appellant will have to undergo a period of two months as determined by the trial court.

The appeal in the terms as stated above stand disposed of alongwith pending application.

Judge

A.K.